



PROTECT OREGON RECREATION

February 15, 2023

Senate Committee on Judiciary
900 Court Street NE
Salem, Oregon 97301

Re: SB 754 Recreational Liability Reform

Chair Prozanski and Members of the Committee:

Earlier this year, the Protect Oregon Recreation Coalition was formed to support liability waiver reform in Oregon. To date, we have more than 125 organizational supporters, and we are growing in support nearly every day.

Our supporters include outdoor recreation users and advocates, outfitters and guides, camps and academies, ski areas, health and fitness facilities, fitness studios, outdoor races and race sponsors, gear manufacturers and shops, accessibility advocates, BIPOC advocates, environmental groups, and tourism groups.

Our goal is simple: To return Oregon to the same liability standard that exists in every other Western state. We have included a map in the public record.

What sets Oregon apart from the other states is a single Oregon Supreme Court case: *Bagley vs. Mt. Bachelor*. Although the circumstances of that case are ski-specific, the impacts are being felt industry-wide. The Bagley case effectively nullified the use of liability waivers in Oregon. As a result of the elevated risk exposure they must cover, insurers have pulled out of the state, declined to offer coverage for many historic uses, and have had no choice but to radically raise premiums on the policies they still provide.

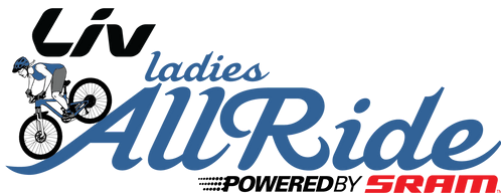
This is not the insurers' fault. Many recreational providers know their insurers quite well and recognize that insurers are getting squeezed. That in turn squeezes the providers, many of whom have gone out of business, closed recreational opportunities, and raised rates on consumers.

The crux of the matter is that while the Bagley case may represent a high level of consumer protection in terms of accidents and injury, it's hurting Oregon's entire recreational ecosystem. This all comes back on a vast array of outdoor recreation users - hikers, bikers, skiers, kayakers, etc. - and anyone who frequents indoor health and fitness facilities.

In order to remedy this situation, the line drawn by the courts in *Bagley vs. Mt. Bachelor* will need to be redrawn by the Oregon Legislature. Liability waivers will need to matter again, as they did prior to Bagley and as they do in literally every other western state. That's what SB 754 is intended to accomplish. And that's why we strongly support the bill's passage.







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